

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1878 OF 2005

Krishnakant Baburao Khadsare & Anr. ... Petitioners

V/s.

Shri Bhalchandra Nagesh
Dhawalikar & Ors. ... Respondents

Mr.Dilip Bodake for Petitioners
Mr.H.M. Kale for Respondent No.1

CORAM: S.A. BOBDE, J.

DATED: JUNE 15, 2005

P.C.:

. In the middle of the evidence in the Suit, the Defendant-Petitioner applied for appointment of a Commissioner for valuation of the suit.

2. According to the Petitioner, this valuation by a Commissioner is necessary because the suit has been undervalued. The trial Court has observed that at this stage of the suit, the defendant's application appears to prolong the matter. In fairness, the trial Court has observed in the order that if the defendant proves undervaluation by cogent evidence, then necessary orders will be made. It is obvious that the Petitioner is at liberty to prove undervaluation by any other method as may be available. Hence, there is no reason to

interfere. Petition is, therefore, dismissed.